

**RESOLUTION NO. 12-031**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**RESOLUTION AWARDED PROFESSIONAL SERVICE  
CONTRACTS FOR CONFLICTS AND TAX FORECLOSURE COUNSEL**

**WHEREAS**, pursuant to § 4-32E of the Code of the Township of Middletown there exists a need to appoint an individual or law firm to serve as special counsel to the Township of Middletown to handle tax foreclosures and to address legal matters in which the Township Attorney or General Special Counsel may have a conflict under the New Jersey Court Rules or other applicable laws or regulations; and

**WHEREAS**, while the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)) does not require competitive bidding for this position it was nevertheless advertised pursuant to the Fair and Open Process (N.J.S.A. 19:44A-20.5) with one bid having been received for tax foreclosure counsel and two bids having been received for conflicts counsel, and having been considered by the Township Committee based upon recommendations provided by the Township Administrator; and

**WHEREAS**, subject to the certification of availability of funds by the Chief Financial Officer, the law firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, Post Office Box 790, Lyndhurst, New Jersey 07071 is qualified and agreed to provide both tax foreclosure and conflict counsel services at a rate of \$130 per hour estimated not to exceed \$25,000, exclusive of fees for witnesses, experts, filing fees, legal research, or other reasonable approved expenses; and

**WHEREAS**, subject to the certification of availability of funds by the Chief Financial Officer, the law firm of Bernard Reilly, Esq., 90 Maple Avenue, Red Bank, New Jersey is qualified and has also agreed to provide conflict counsel services at a rate of \$130 per hour estimated not to exceed \$25,000, exclusive of fees for witnesses, experts, filing fees, legal research, or other reasonable approved expenses.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Middletown in the County of Monmouth, State of New Jersey that the law firm of Scarinci & Hollenbeck, LLC, 1100 Valley Brook Avenue, Post Office Box 790, Lyndhurst, New Jersey 07071 is hereby awarded a professional services contract for the provision of legal services as tax foreclosure and conflicts counsel to the Township as needed during 2012 for an estimated amount not to exceed \$25,000 in the aggregate between counsels.

**BE IT FURTHER RESOLVED** that the law firm of Bernard Reilly, Esq., 90 Maple Avenue, Red Bank, New Jersey is also hereby awarded a professional services contract for the provision of legal services as conflicts counsel to the Township as needed

during 2012 for an estimated amount not to exceed \$25,000 in the aggregate between counsels.

**BE IT FURTHER RESOLVED** that the Mayor and the Clerk are hereby authorized and directed to execute Agreements for the provision of such professional services, copies of which shall be maintained by the Clerk and advertised in the Township's official newspaper pursuant to law.